

GRAZING IMPROVEMENT ACT OF 2012

JUNE 15, 2012.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. HASTINGS of Washington, from the Committee on Natural Resources, submitted the following

R E P O R T

together with

DISSENTING VIEWS

[To accompany H.R. 4234]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 4234) to amend the Federal Land Policy and Management Act of 1976 to improve the management of grazing leases and permits, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Grazing Improvement Act of 2012”.

SEC. 2. TERMS OF GRAZING PERMITS AND LEASES.

Section 402 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1752) is amended—

- (1) by striking “ten years” each place it appears and inserting “20 years”; and
- (2) in subsection (b)—

- (A) by striking “or” at the end of each of paragraphs (1) and (2);

- (B) in paragraph (3), by striking the period at the end and inserting “; or”; and

- (C) by adding at the end the following:

- “(4) the initial environmental analysis under National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) regarding a grazing allotment, permit, or lease has not been completed.”.

SEC. 3. RENEWAL, TRANSFER, AND REISSUANCE OF GRAZING PERMITS AND LEASES.

(a) AMENDMENT.—Title IV of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1751 et seq.) is amended by adding at the end the following:

“SEC. 405. RENEWAL, TRANSFER, AND REISSUANCE OF GRAZING PERMITS AND LEASES.

“(a) DEFINITIONS.—In this section:

“(1) CURRENT GRAZING MANAGEMENT.—The term ‘current grazing management’ means grazing in accordance with the terms and conditions of an existing permit or lease and includes any modifications that are consistent with an applicable Department of Interior resource management plan or Department of Agriculture land use plan.

“(2) SECRETARY CONCERNED.—The term ‘Secretary concerned’ means—

“(A) the Secretary of Agriculture, with respect to National Forest System land; and

“(B) the Secretary of the Interior, with respect to land under the jurisdiction of the Department of the Interior.

“(b) RENEWAL, TRANSFER, REISSUANCE, AND PENDING PROCESSING.—A grazing permit or lease issued by the Secretary of the Interior, or a grazing permit issued by the Secretary of Agriculture regarding National Forest System land, that expires, is transferred, or is waived shall be renewed or reissued under, as appropriate—

“(1) section 402;

“(2) section 19 of the Act of April 24, 1950 (commonly known as the ‘Granger-Thye Act’; 16 U.S.C. 580l);

“(3) title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010 et seq.);

or

“(4) section 510 the California Desert Protection Act of 1994 (16 U.S.C. 410aaa–50).

“(c) TERMS; CONDITIONS.—The terms and conditions (except the termination date) contained in an expired, transferred, or waived permit or lease described in subsection (b) shall continue in effect under a renewed or reissued permit or lease until the date on which the Secretary concerned completes the processing of the renewed or reissued permit or lease that is the subject of the expired, transferred, or waived permit or lease, in compliance with each applicable law.

“(d) CANCELLATION; SUSPENSION; MODIFICATION.—Notwithstanding subsection (c), a permit or lease described in subsection (b) may be cancelled, suspended, or modified in accordance with applicable law.

“(e) RENEWAL TRANSFER REISSUANCE AFTER PROCESSING.—When the Secretary concerned has completed the processing of the renewed or reissued permit or lease that is the subject of the expired, transferred, or waived permit or lease, the Secretary concerned may renew or reissue the permit or lease for a term of 20 years after completion of processing.

“(f) COMPLIANCE WITH NATIONAL ENVIRONMENTAL POLICY ACT OF 1969.—The renewal, reissuance, or transfer of a grazing permit or lease by the Secretary concerned may, at their sole discretion, be categorically excluded from the requirement to prepare an environmental assessment or an environmental impact statement if—

“(1) the decision continues to renew, reissue, or transfer the current grazing management of the allotment;

“(2) monitoring of the allotment has indicated that the current grazing management has met, or has satisfactorily progressed towards meeting, objectives contained in the land use and resource management plan of the allotment, as determined by the Secretary concerned; or

“(3) the decision is consistent with the policy of the Department of the Interior or the Department of Agriculture, as appropriate, regarding extraordinary circumstances.

“(g) PRIORITY AND TIMING FOR COMPLETING ENVIRONMENTAL ANALYSES.—The Secretary concerned, in the sole discretion of the Secretary concerned, shall determine the priority and timing for completing each required environmental analysis regarding any grazing allotment, permit, or lease based on the environmental significance of the allotment, permit, or lease and available funding for that purpose.

“(h) NEPA EXEMPTIONS.—The National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall not apply to the following:

“(1) Crossing and trailing authorizations of domestic livestock.

“(2) Transfer of grazing preference.”.

(b) TABLE OF CONTENTS.—The table of contents for the Federal Land Policy and Management Act of 1976 is amended by adding after the item for section 404, the following:

“Sec. 405. Renewal, transfer, and reissuance of grazing permits and leases.”.

PURPOSE OF THE BILL

The purpose of H.R. 4234, as ordered reported, is to amend the Federal Land Policy and Management Act of 1976 to improve the management of grazing leases and permits.

BACKGROUND AND NEED FOR LEGISLATION

Livestock grazing represents one of the earliest uses of federally-managed lands and continues to represent a multiple use that is essential to the livestock industry, wildlife habitat, open space and the rural economies of many western communities. While grazing has historically been viewed as a “use” of the public lands, it has also come to be recognized as an important “tool” for the management of these lands.

Approximately 40 percent of beef cattle in the West and half of the nation’s sheep spend some time on federal lands. Without public land grazing, grazing use of significant portions of state and private lands would necessarily cease, and the cattle and sheep industries would be dramatically downsized, threatening infrastructure and the entire market structure. Livestock grazing permit holders and public land agencies have been relying on appropriation bill riders language for over a decade. Agencies cannot complete the needed National Environmental Protection Act (NEPA) obligations due to the backlog of lawsuits filed to delay permitting and to advance an environmental agenda of eliminating livestock grazing from public lands.

Like the appropriations riders, H.R. 4234 allows for the utilization and issuance of permits and leases once they have expired until the necessary environmental analyses can be completed. The Grazing Improvement Act of 2012 is an essential step in restoring a stable business environment to the public lands grazing industry and retaining an important land management tool for the healthy stewardship of our nation’s public lands, wildlife habitat and rural economies in the West.

During Full Committee consideration of the bill, the Committee adopted an amendment offered by Congressman Rob Bishop (R-UT) to make technical, conforming and a few substantive changes to the base bill. The amendment included several elements of compromise from input by the federal land management agencies. It includes a definition for “current grazing management” and allows for more agency discretion by changing “shall” to “may” in the issuance of permits and categorical exclusions. Instead of requiring agencies to do it, the amendment gives the agencies the option of categorically excluding from NEPA grazing permits that have expired but remain under management that is consistent with the current land management plans. To further address Administration concerns, the amendment strikes a section of the bill that would have applied the Administrative Procedure Act’s adjudication procedures to permittee or lessee appeals.

COMMITTEE ACTION

H.R. 4234 was introduced on March 21, 2012, by Congressman Raul Labrador (R-ID). The bill was referred primarily to the Committee on Natural Resources, and in addition to the Committee on Agriculture. Within the Committee on Natural Resources, the bill

was referred to the Subcommittee on National Parks, Forests and Public Lands. On March 29, 2012, the Subcommittee held a hearing on the bill. On June 7, 2012, the Full Natural Resources Committee met to consider the bill. The Subcommittee on National Parks, Forests and Public Lands was discharged by unanimous consent. Congressman Rob Bishop (R-UT) offered amendment designated .010; the amendment was adopted by voice vote. Congressman Edward Markey offered amendment designated .121 to the bill; the amendment was not adopted by bipartisan a record vote of 18–24, as follows:

Committee on Natural Resources
U.S. House of Representatives
112th Congress

Date: June 7, 2012

Recorded Vote #: 4

Meeting on / Amendment: **H.R. 4234** – An amendment offered by Mr. Markey.121 was NOT AGREED TO by a roll call vote of 18 yeas and 24 nays.

MEMBERS	Yea	Nay	Pres	MEMBERS	Yea	Nay	Pres
Mr. Hastings, WA Chairman		X		<i>Mr. Heinrich, NM</i>	X		
<i>Mr. Markey, MA Ranking</i>	X			Mr. Benishek, MI		X	
Mr. Young, AK				<i>Mr. Lujan, NM</i>	X		
<i>Mr. Kildee, MI</i>	X			Mr. Rivera, FL		X	
Mr. Duncan of TN				<i>Ms. Sutton, OH</i>	X		
<i>Mr. Defazio, OR</i>	X			Mr. Duncan of SC		X	
Mr. Gohmert, TX				<i>Ms. Tsongas, MA</i>	X		
<i>Mr. Faleomavaega, AS</i>	X			Mr. Tipton, CO		X	
Mr. Bishop, UT		X		<i>Mr. Pierluisi, PR</i>	X		
<i>Mr. Pallone, NJ</i>	X			Mr. Gosar, AZ		X	
Mr. Lamborn, CO		X		<i>Mr. Garamendi, CA</i>	X		
<i>Mrs. Napolitano, CA</i>	X			Mr. Labrador, ID		X	
Mr. Wittman, VA		X		<i>Ms. Hanabusa, HI</i>	X		
<i>Mr. Holt, NJ</i>	X			Ms. Noem, SD		X	
Mr. Broun, GA		X		<i>Mr. Tonko, NY</i>	X		
<i>Mr. Grijalva, AZ</i>	X			Mr. Southerland, FL		X	
Mr. Fleming, LA		X		Mr. Flores, TX	X		
<i>Ms. Bordallo, GU</i>	X			Mr. Harris, MD		X	
Mr. Coffman, CO		X		Mr. Landry, LA		X	
<i>Mr. Costa, CA</i>		X		Mr. Runyan, NJ		X	
Mr. McClintock, CA		X		Mr. Johnson, OH		X	
<i>Mr. Boren, OK</i>				Mr. Amodei, NV		X	
Mr. Thompson, PA		X					
<i>Mr. Sablan, CNMI</i>							
Mr. Denham, CA		X					
				TOTALS	18	24	

The bill, as amended, was then adopted and ordered favorably reported to the House of Representatives by a bipartisan roll call vote of 27–15, as follows:

Committee on Natural Resources
U.S. House of Representatives
112th Congress

Date: June 7, 2012

Recorded Vote #: 5

Meeting on / Amendment: **H.R. 4234** – Adopted and favorably reported to the House of Representatives, as amended,
by a roll call vote of 27 yeas and 15 nays.

MEMBERS	Yea	Nay	Pres	MEMBERS	Yea	Nay	Pres
Mr. Hastings, WA Chairman	X			<i>Mr. Heinrich, NM</i>		X	
<i>Mr. Markey, MA Ranking</i>		X		Mr. Benishek, MI	X		
Mr. Young, AK				<i>Mr. Lujan, NM</i>	X		
<i>Mr. Kildee, MI</i>		X		Mr. Rivera, FL	X		
Mr. Duncan of TN				<i>Ms. Sutton, OH</i>		X	
<i>Mr. Defazio, OR</i>		X		Mr. Duncan of SC	X		
Mr. Gohmert, TX				<i>Ms. Tsongas, MA</i>		X	
<i>Mr. Faleomavaega, AS</i>		X		Mr. Tipton, CO	X		
Mr. Bishop, UT	X			<i>Mr. Pierluisi, PR</i>		X	
<i>Mr. Pallone, NJ</i>		X		Mr. Gosar, AZ	X		
Mr. Lamborn, CO	X			<i>Mr. Garamendi, CA</i>	X		
<i>Mrs. Napolitano, CA</i>		X		Mr. Labrador, ID	X		
Mr. Wittman, VA	X			<i>Ms. Hanabusa, HI</i>		X	
<i>Mr. Holt, NJ</i>		X		Ms. Noem, SD	X		
Mr. Broun, GA	X			<i>Mr. Tonko, NY</i>		X	
<i>Mr. Grijalva, AZ</i>		X		Mr. Southerland, FL	X		
Mr. Fleming, LA	X			Mr. Flores, TX	X		
<i>Ms. Bordallo, GU</i>		X		Mr. Harris, MD	X		
Mr. Coffman, CO	X			Mr. Landry, LA	X		
<i>Mr. Costa, CA</i>	X			Mr. Runyan, NJ	X		
Mr. McClintock, CA	X			Mr. Johnson, OH	X		
<i>Mr. Boren, OK</i>				Mr. Amodei, NV	X		
Mr. Thompson, PA	X						
<i>Mr. Sablan, CNMI</i>							
Mr. Denham, CA	X						
				TOTALS	27	15	

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(1) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(2)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

H.R. 4234—Grazing Improvement Act of 2012

CBO estimates that enacting H.R. 4234 would affect offsetting receipts (a credit against direct spending); therefore, pay-as-you-go procedures apply. However, CBO estimates that any such effects would be minimal over the 2013–2022 period. We also estimate that implementing the legislation would have no significant impact on discretionary spending. Enacting H.R. 4234 would not affect revenues.

H.R. 4234 would allow expired and transferred grazing permits to remain in effect until new permits are issued by the Bureau of Land Management (BLM) or the Forest Service. Based on information provided by the affected agencies, CBO estimates that enacting that provision would have a minimal impact on offsetting receipts each year because those agencies have the authority, under current law, to extend expired leases. The bill would allow BLM to collect offsetting receipts from transferred leases sooner than it would under current law; however, because the number of permits that would be affected each year account for less than 5 percent of all federal grazing permits, the budgetary impact would be minimal. In 2011, gross federal collections from grazing permits totaled about \$20 million.

The bill also would allow transferred permits to remain in effect under the terms of the original permit until that permit expires. Based on information provided by BLM, CBO expects that, under that provision, the agency would receive fewer requests for new permits in the short term; however, because those permits would need to be renewed in later years, CBO estimates that implementing the provision would have no significant net effect on agencies' workloads over the 2013–2017 period. The bill would exclude certain grazing lands from compliance with the National Environmental Policy Act (NEPA) and would give agencies that administer grazing permits the authority to exempt new permits from NEPA requirements. CBO estimates that those provisions would have a minimal effect on discretionary spending because we expect that

any reduction in spending on NEPA activities on those lands would be offset by spending to reduce the agencies' backlog of NEPA activities on other federal grazing lands.

H.R. 4234 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Jeff LaFave. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

2. Section 308(a) of Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures. CBO estimates that enacting H.R. 4234 would affect offsetting receipts (a credit against direct spending); therefore, pay-as-you-go procedures apply. However, CBO estimates that any such effects would be minimal over the 2013–2022 period. CBO also estimates that implementing the legislation would have no significant impact on discretionary spending.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill, as ordered reported, is to amend the Federal Land Policy and Management Act of 1976 to improve the management of grazing leases and permits.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the rules of the House of Representatives.

COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

FEDERAL LAND POLICY AND MANAGEMENT ACT OF 1976

* * * * *

TITLE IV—RANGE MANAGEMENT

* * * * *

GRAZING LEASES AND PERMITS

SEC. 402. (a) Except as provided in subsection (b) of this section, permits and leases for domestic livestock grazing on public lands issued by the Secretary under the Act of June 28, 1934 (48 Stat. 1269, as amended; 43 U.S.C. 315 et. seq.) or the Act of August 28, 1937 (50 Stat. 874, as amended; 43 U.S.C. 1181a–1181j), or by the Secretary of Agriculture, with respect to lands within National Forests in the sixteen contiguous Western States, shall be for a term of [ten years] 20 years subject to such terms and conditions the Secretary concerned deems appropriate and consistent with the governing law, including, but not limited to, the authority of the Secretary concerned to cancel, suspend, or modify a grazing permit or lease, in whole or in part, pursuant to the terms and conditions thereof, or to cancel or suspend a grazing permit or lease for any violation of a grazing regulation or of any term or condition of such grazing permit or lease.

(b) Permits or leases may be issued by the Secretary concerned for a period shorter than [ten years] 20 years where the Secretary concerned determines that—

(1) the land is pending disposal; [or]

(2) the land will be devoted to a public purpose prior to the end of [ten years] 20 years; [or]

(3) it will be in the best interest of sound land management to specify a shorter term: *Provided*, That the absence from an allotment management plan of details the Secretary concerned would like to include but which are undeveloped shall not be the basis for establishing a term shorter than [ten years] 20 years: *Provided further*, That the absence of completed land use plans or court ordered environmental statements shall not be the sole basis for establishing a term shorter than [ten years] 20 years unless the Secretary determines on a case-by-case basis that the information to be contained in such land use plan or court ordered environmental impact statement is necessary to determine whether a shorter term should be established for any of the reasons set forth in items (1) through (3) of this subsection[.]; or

(4) the initial environmental analysis under National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) regarding a grazing allotment, permit, or lease has not been completed.

* * * * *

SEC. 405. RENEWAL, TRANSFER, AND REISSUANCE OF GRAZING PERMITS AND LEASES.

(a) DEFINITIONS.—In this section:

(1) CURRENT GRAZING MANAGEMENT.—The term “current grazing management” means grazing in accordance with the terms and conditions of an existing permit or lease and includes any modifications that are consistent with an applicable Department of Interior resource management plan or Department of Agriculture land use plan.

(2) SECRETARY CONCERNED.—The term “Secretary concerned” means—

(A) the Secretary of Agriculture, with respect to National Forest System land; and

- (B) *the Secretary of the Interior, with respect to land under the jurisdiction of the Department of the Interior.*
- (b) **RENEWAL, TRANSFER, REISSUANCE, AND PENDING PROCESSING.**—*A grazing permit or lease issued by the Secretary of the Interior, or a grazing permit issued by the Secretary of Agriculture regarding National Forest System land, that expires, is transferred, or is waived shall be renewed or reissued under, as appropriate—*
- (1) *section 402;*
 - (2) *section 19 of the Act of April 24, 1950 (commonly known as the “Granger-Thye Act”; 16 U.S.C. 580l);*
 - (3) *title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010 et seq.); or*
 - (4) *section 510 the California Desert Protection Act of 1994 (16 U.S.C. 410aaa–50).*
- (c) **TERMS; CONDITIONS.**—*The terms and conditions (except the termination date) contained in an expired, transferred, or waived permit or lease described in subsection (b) shall continue in effect under a renewed or reissued permit or lease until the date on which the Secretary concerned completes the processing of the renewed or reissued permit or lease that is the subject of the expired, transferred, or waived permit or lease, in compliance with each applicable law.*
- (d) **CANCELLATION; SUSPENSION; MODIFICATION.**—*Notwithstanding subsection (c), a permit or lease described in subsection (b) may be cancelled, suspended, or modified in accordance with applicable law.*
- (e) **RENEWAL TRANSFER REISSUANCE AFTER PROCESSING.**—*When the Secretary concerned has completed the processing of the renewed or reissued permit or lease that is the subject of the expired, transferred, or waived permit or lease, the Secretary concerned may renew or reissue the permit or lease for a term of 20 years after completion of processing.*
- (f) **COMPLIANCE WITH NATIONAL ENVIRONMENTAL POLICY ACT OF 1969.**—*The renewal, reissuance, or transfer of a grazing permit or lease by the Secretary concerned may, at their sole discretion, be categorically excluded from the requirement to prepare an environmental assessment or an environmental impact statement if—*
- (1) *the decision continues to renew, reissue, or transfer the current grazing management of the allotment;*
 - (2) *monitoring of the allotment has indicated that the current grazing management has met, or has satisfactorily progressed towards meeting, objectives contained in the land use and resource management plan of the allotment, as determined by the Secretary concerned; or*
 - (3) *the decision is consistent with the policy of the Department of the Interior or the Department of Agriculture, as appropriate, regarding extraordinary circumstances.*
- (g) **PRIORITY AND TIMING FOR COMPLETING ENVIRONMENTAL ANALYSES.**—*The Secretary concerned, in the sole discretion of the Secretary concerned, shall determine the priority and timing for completing each required environmental analysis regarding any grazing allotment, permit, or lease based on the environmental significance of the allotment, permit, or lease and available funding for that purpose.*

(h) NEPA EXEMPTIONS.—The National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall not apply to the following:

- (1) Crossing and trailing authorizations of domestic livestock.*
- (2) Transfer of grazing preference.*

* * * * *

DISSENTING VIEWS

H.R. 4234 seeks to make wholesale changes to public land grazing law without addressing the cost of grazing to the American taxpayers. As reported from the Committee, the legislation makes two major changes in federal grazing policy. First, the legislation doubles the term of grazing permits from ten years to twenty years. Second, H.R. 4234 provides sweeping exemptions from environmental review of new and renewed grazing permits.

The Bureau of Land Management (BLM) is responsible for managing over 18,000 grazing permits on over 160 million acres of public lands in the West. The Forest Service manages over 7000 permits for over 94 million acres of grazing lands. In 1999 the BLM experienced a spike in grazing permit renewals which they were unable to process before the permits expired. This backlog has continued today, with more than 4,200 permits pending review. For more than ten years, Congress has included language in annual spending bills providing BLM with the ability to renew expiring grazing permits under existing terms and conditions even if the environmental analysis work is not complete. Typically, grazing permit renewals require an environmental analysis through the National Environmental Policy Act (NEPA) process to ensure that livestock is not negatively impacting forests, grasslands, and streams.

No one denies the need to address the permit renewal backlog. However, H.R. 4234 goes well beyond dealing with the backlog and instead rubber stamps all grazing permits without a meaningful analysis of the impact to our forests, grasslands, and waters. The bill makes no meaningful reforms to the fee structure and cost of grazing to the U.S. taxpayer. Currently, public land grazers pay \$1.35 per month to graze a cow and calf, a horse, or five sheep or goats. This is less than \$15 per year, the average cost of one large bag of dog food. Meanwhile, states are charging upwards of \$12 per month which totals nearly \$150 per year. The GAO and others have estimated that the below-market grazing fee costs the United States taxpayer more than \$100 million a year.

During Committee consideration of the legislation, Ranking Member Markey offered an amendment to address the grazing fee issue. The Markey amendment reflected the Obama Administration's Fiscal Year 2013 proposal to create a pilot program that would charge a mere \$1 dollar administrative fee for each grazing permit. This modest administrative fee would generate \$6.5 million a year. While rejected by the Committee, the amendment did receive bipartisan support.

H.R. 4234 goes too far in making fundamental changes in grazing practices and falls short of address the cost of grazing to the American taxpayer. It should be rejected.

EDWARD J. MARKEY.
RAÚL M. GRIJALVA.

FRANK D. LUCAS, OKLAHOMA,
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June 15, 2012

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The Honorable Doc Hastings
Chairman
Committee on Natural Resources
1324 Longworth HOB
Washington, D.C. 20515

Dear Chairman Hastings:

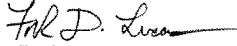
Thank you for the opportunity to review the relevant provisions of the text of H.R. 4234, to amend the Federal Land Policy and Management Act of 1976 to improve the management of grazing leases and permits. As you are aware, the bill was primarily referred to the Committee on Natural Resources, while the Agriculture Committee received an additional referral.

I recognize and appreciate your desire to bring this legislation before the House in an expeditious manner and, accordingly, I agree to discharge H.R. 4234 from further consideration by the Committee on Agriculture. I do so with the understanding that by discharging the bill, the Committee on Agriculture does not waive any future jurisdictional claim on this or similar matters. Further, the Committee on Agriculture reserves the right to seek the appointment of conferees, if it should become necessary.

I ask that you insert a copy of our exchange of letters into the *Congressional Record* during consideration of this measure on the House floor.

Thank you for your courtesy in this matter and I look forward to continued cooperation between our respective committees.

Sincerely,


Frank D. Lucas
Chairman

cc: The Honorable John A. Boehner, Speaker
The Honorable Collin C. Peterson
The Honorable Edward J. Markey

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U.S. House of Representatives
Committee on Natural Resources
 Washington, DC 20515

June 15, 2012

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The Honorable Frank Lucas
 Chairman
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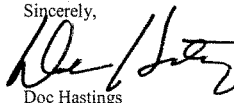
Dear Mr. Chairman:

Thank you for your letter regarding H.R. 4234, to amend the Federal Land Policy and Management Act of 1976 to improve the management of grazing leases and permits. As you know, the Committee on Natural Resources ordered reported the bill by a bipartisan vote on June 7, 2012. I appreciate your support in bringing this legislation before the House of Representatives, and accordingly, understand that the Committee on Agriculture will forego action on the bill.

The Committee on Natural Resources concurs with the mutual understanding that by foregoing consideration of H.R. 4234 at this time, the Committee on Agriculture does not waive any jurisdiction over the subject matter contained in this or similar legislation. In addition, should a conference on the bill be necessary, I would support your request to have the Committee on Agriculture represented on the conference committee. Finally, I would be pleased to include your letter and this response in the bill report filed by the Committee on Natural Resources, as well as in the *Congressional Record* during floor consideration, to memorialize our understanding.

Thank you for your cooperation.

Sincerely,


 Doc Hastings
 Chairman